IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4192 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HMP CEMENT LIMITED

Versus

CEMENT WORKS MANDAL

Appearance:

1. Special Civil Application No. 4192 of 1998

MR BR GUPTA for Petitioner No. 1

MR TR MISHRA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 12/01/2005

ORAL JUDGEMENT

Learned advocate Mr. B.R.Gupta for the petitioner has remained present when the matter was called out. Learned advocate Mr. T.R. Mishra has remained present for the respondent.

In this matter, the petitioner Co. has challenged the award made by the Industrial Tribunal, Rajkot in Reference (ITR) No.19 of 1993 dated 23rd

February, 1998 wherein the Reference was partly allowed and as per the schedule alongwith the statement of claim, in all 22 workmen were made permanent with effect from 1.1.1996 by the Industrial Tribunal, Rajkot. This Court has granted interim relief in terms of para 14(B) while admitting the petition which was ordered to continue till further orders by order dated 25.1.1999. Today, when the matter was taken up for final hearing, learned advocate Mr. T.R. Mishra appearing for the respondents made a statement before this Court that the company has been closed since long, properties belonging to the company have also been sold away since long and no workers remained in the industry and, therefore, according to him, this matter has become infructuous and the same is required to be disposed of as having become infructuous. Learned advocate Mr. Gupta appearing for the Company has not disputed the statement made by Mr. Mishra but has submitted that the matter may be disposed of as having become infructuous while reserving liberty in favour of the company to apply in case of any difficulty by filing note for revival of this petition.

Therefore, considering the statement made by the learned advocates for the parties, this petition is disposed of as having become infructuous with a liberty in favour of the petitioner company to apply in case of any difficulty for revival of this petition by filing mere note in the Registry of this Court. Rule is discharged. Interim relief, if any, shall stand vacated. There shall be no order as to costs.

(H.K. Rathod,J.)

Vyas